

REMARKS

After entry of this response, claims 1-20 remain pending in the present application. Claims 1, 5, 6, and 15 are amended by this response. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

Claims 1-9, 11-13, and 15-20 are rejected under 35 USC 103(a), as being unpatentable over Jackson, (U.S. Publication No. 2004/0078220 hereinafter “Jackson”) in view of Norris et al., (U.S. Patent No. 6,669,631 hereinafter “Norris”). Various other dependent claims are rejected under 35 USC 103(a) as applied to Claims 1-9, 11-13, and 15-20, and further in view of certain other references. Applicant respectfully traverses.

In the present application, a comprehensive system is provided that facilitates remote medical evaluation of a patient by a caregiver. In amended Claim 1, for example, the system includes a physician portal, a patient portal and a central manager coupled to both portals as well as a database with access to medical educational content. The comprehensive system therefore facilitates communication and exchange of information between the patient and the caregiver while enabling the caregiver to account for time spent or even seek reimbursement for services provided.

None of the cited references, alone or in combination with other references, teaches or suggests extracting patient-specific educational information based on a caregiver’s diagnosis as stated, for example, in amended Claim 6. Thus, the comprehensive system of the present application facilitates caregiver involvement in the determination of patient education information. For example, in various implementations of the present application, a caregiver is able to tailor the educational information to be delivered to the patient based on the diagnosis rendered. As such, caregiver involvement includes extracting patient-specific educational information from the educational content identified by the system.

Further, the Examiner’s characterization of the Jackson reference—as disclosing caregiver involvement (see Office Action page 5)—overlooks the fact that

in accord with its teachings, Jackson at paragraph [0081] discloses that the treatment and/or diagnosis of the patient's medical symptoms and signs are performed by an automated system. Norris and the other cited references fail to cure the defects in the Jackson reference since none of those references teach receiving diagnostic information through the physician portal from the caregiver based on the medical information or caregiver selection of patient-specific educational information tailored to cure the specific diagnosis rendered by the caregiver. Providing educational information that is both relevant in content and in time relative to the patient's current condition prevents patient overload, makes the content user friendly, and promotes efficiency in management of the condition. Therefore remote medical evaluations facilitated by various implementations of the present application facilitate interaction between the caregiver and the patient, while also providing the patient with the relevant educational information.

Moreover, the direct involvement by the caregiver through the system facilitates accounting of time spent in the remote medical evaluation of the patient. Jackson discloses that subsequent to reporting the signs and symptoms indicative of a need for medical treatment, the patient's diagnosis and/or treatment are performed by the system based on the patient's medical records and history. Paragraph [0072]. An obvious deficiency of the Jackson reference is the inflexibility in diagnosing new or deteriorating conditions due to reliance on past diagnosis and/or treatment options. In the present application, the direct caregiver involvement enables a caregiver—as opposed to an automated system—to evaluate a patient condition facilitating diagnosis of new ailments and more effective treatment options. As a corollary, the caregiver is able to account for time spent during the remote evaluation and hence better care for the patient is promoted.

The subsequently cited references fail to cure the deficiencies of the Jackson and Norris references. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the pending claims under 35 U.S.C. 103(a) as unpatentable over Jackson in view of Norris.

Applicant: Janell M. Gottesman
Serial No: 10/650,569

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

Date: April 14, 2008

/Daniel G. Chapik/

Daniel G. Chapik

Reg. 43,424

Telephone: (763) 526-0940

Customer No. 27581